S.B.CRIMINAL MISC. BAIL APPLICATION NO.5335/06

Date : 28.11.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. M.K. Garg for the applicant.
Mr. Vishnu Kachhawaha, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that other co-accused have been granted bail by the learned trial court for offences under Section 323 and 452 IPC but the present applicant was not granted bail. He submits that other co-accused gave beatings by fists and legs whereas allegation against the present applicant is that he gave beating by fists.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me and carefully gone through the material available on record.

Without expressing any opinion on the merit of the case while taking into consideration the overall facts and circumstances of the present case, I think it just and proper to grant anticipatory bail to the applicant. Accordingly, it is directed that in the event of arrest of applicant Kalu Singh s/o Mool Singh by I.O./S.H.O. in FIR No.237/06 P.S. J.N. Vyas Colony, Bikaner, he shall be released on bail provided he furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

(SATYA PRAKASH PATHAK), J.